IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 16206 of 2007(D)

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E.P.32/2006 IN OS.491/2006 of PRL.SUB COURT,THRISSUR

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PETITIONER:

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JOY, S/O ANTONY, AGED 55,
PARAMBAN HOUSE, MISSION QUARTERS, THRISSUR.

BY ADV. SRI.P.V.SREENIVASAN

RESPONDENT:

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BRIGHT KURIES AND LOANS(PVT)LTD.,
BRIGHT TOWERS, THRISSUR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**M.N.KRISHNAN, J**

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**W.P.(C) No.16206 OF 2007**

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**Dated this the 29th day of May, 2007**

**JUDGMENT**

This writ petition is filed seeking a direction to the executing court to consider Exts.P2 to P4 and pass appropriate orders and to set aside the sale proceedings, which is to be conducted on 30.5.2007. Ext.P2 is an application seeking to receive the objection to the draft proclamation, Ext.P3 is to provide instalment facility and Ext.P4 is an application for issuance of a Commission. It is submitted by the learned counsel, in fairness that no counter was filed at the appropriate time and that is why he has been compelled to move Exts.P2 to P4 applications. It is stated that the property is worth above 80 lakhs and the sale price shown is too inadequate.

2. Taking into consideration all the aspects, I am inclined to dispose of the writ petition as follows: (1) The sale posted to 30.5.2007 shall be adjourned for a period of one month. (2) Meanwhile the trial court is to consider Exts.P2 to P4 applications after hearing both sides and if the decree holder is agreeable for providing any instalment facility, then pass

appropriate orders in that direction. If not it may proceed in accordance with law.

Writ petition is disposed of as above.

**M.N.KRISHNAN, JUDGE**

**Cdp/-**